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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/692,152	10/22/2003	Hiroyuki Uno	P/2041-68	5875
2352	7590	10/31/2006	EXAMINER	
OSTROLENK FABER GERB & SOFFEN 1180 AVENUE OF THE AMERICAS NEW YORK, NY 100368403			KIM, WESLEY LEO	
			ART UNIT	PAPER NUMBER
			2617	

DATE MAILED: 10/31/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/692,152

Applicant(s)

UNO, HIROYUKI

Examiner

Wesley L. Kim

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 06 September 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-9 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-9 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Amendment

1. This Office Action is in response to Amendment filed on 9/6/06.

- Claims 1, 4-5, 8-9 are currently amended.
- Claims 1-9 are pending in the current Office Action.

Response to Arguments

Applicant's arguments filed 9/6/06 have been fully considered but they are not persuasive.

- Applicant argues that the happy tone at a handset, as indicated in the text in the enclosure labeled reference numeral 311, (Fig.3), and the sad tone at a handset, as indicated in the text in the enclosure labeled reference numeral 319, (Fig.3), are not the result of one valid or invalid key input, as claimed in independent claims 1, 5, and 9, but rather reflect the conclusion of a successful or unsuccessful registration process, (column 9, lines 9-17, 22-25).

The examiner respectfully disagrees. The claims only recite that there is a means for notifying the user of a valid input or an invalid input with the use of two different sound patterns. Where a first pattern indicates a valid input and the second pattern indicates an invalid input.

Kim clearly teaches that when a valid key is pressed then happy sound tone is used to notify the user that a valid key has been pressed, and when the user presses an invalid key then a sad sound tone is used to notify the user that an invalid key has been pressed. The examiner is given the right to interpret the

claim limitations as broadly as reasonably possible. In this case, Kim reads on the broadly claimed limitations and it does not matter if Kim is utilizing the valid/invalid key press notification system for a registration process or some other process since the teachings of Kim reads on the claimed limitations.

- Applicant argues that Kim does not teach key input discrimination means, key input validity notification means, or key input invalidity notification means, as was admitted by the Examiner in the Office Action mailed on November 29, 2005, (page 2, paragraph 1, line 8, to page 3, line 10).

The examiner does not understand why the applicant is arguing the examiners position from a Final Action dating back to 11/29/05. The examiner is certain that these arguments should be directed towards the Non-Final Action (6/6/06), which was mailed after a Request for Continued Examination (RCE 4/25/06). The reason being, the Non-Final Office Action mailed on 6/6/06 is based on different grounds of rejection from the Final Office Action mailed on 11/29/05.

Information Disclosure Statement

2. With regard to the Information Disclosure Statements submitted on 6/19/2006 and 9/14/06, the examiner has considered the Office Action issued by the Japanese Patent Office in connection with Japanese application no. 2002-307737 in addition to the English translation of the Japanese Office Action, however the examiner does not consider the Japanese Document No 2001-34398 and 6-261376. Until the

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examiner has been provided with English translations of these two documents, they will not be considered.

Claim Rejections - 35 USC § 101

3. The 35 USC § 101 rejection for claim 9 has been withdrawn in the current Office Action since the appropriate corrections have been made.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

1. Claims 1-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nealon et al (U.S. Patent 5463659) in view of Kim (U.S. Patent 6882860 B1).

Regarding Claims 1, 5, and 9, Nealon teaches key inputting means

(Fig.2:260, keypad);

key inputting means including a plurality of keys for accepting an input of any of said keys by a user of said portable telephone set (Col.5:33-37 and Fig.2:260);

key input discrimination means for discriminating whether the input of any one of said keys is valid or invalid (Fig.3:310-Fig.3:311 and Fig.3:318-Fig.3:319, the phone determines if the key input is valid or invalid so there is a key input discrimination means for discriminating whether the key inputting operation of said key inputting means is valid or invalid);

key input validity notification means operable when said key input discrimination means discriminates that the input of any one of said keys is valid for causing said call termination notification means to notify the user of the validity of the input of said any one of said keys with a first pattern set in advance (Fig.3;310-Fig.3;311, happy tone); said first pattern being different from a function performed by the input of said any one of said keys (Fig.3;310-Fig.3;311, a happy tone is different from the key inputting operation); and

key input invalidity notification means operable when said key input discrimination means discriminates that the input of any one of said keys is invalid for causing said call termination notification means to notify the user of the invalidity of the input of said any one of said keys with a second pattern set in advance and different from the first pattern (Fig.3;318-Fig.3;319, sad tone), however, Nealon **does not expressly teach** call termination notification means and said call termination notification means functioning to notify the user of termination of a telephone call in addition to functioning to notify the user of the validity or invalidity of the input of any one of said keys.

Kim teaches a call termination notification means (Col.2;67-Col.3;3 and Fig.1;117, a buzzer). Nealon must have a buzzer to produce the valid/invalid tone (Fig.3;310-Fig.3;311 and Fig.3;318-Fig.3;319) and to one of ordinary skill in the art, it is obvious that the said call termination notification means functions to notify the user of termination of a telephone call in addition to functioning to notify the user of the validity or invalidity of the input of any one of said keys.

To one of ordinary skill in the art, it would have been obvious to modify Nealon with Kim such that the call termination notification means and said call termination notification means functions to notify the user of termination of a telephone call in addition to functioning to notify the user of the validity or invalidity of the input of any one of said keys, to provide a method of implementing the use of a single buzzer to produce all sounds, to keep the size of the phone as small as possible.

Regarding Claims 2 and 6, Kim teaches said call termination notification means includes a speaker or LCD display (Fig.1;117 and Col.2;65-67).

Regarding Claims 3 and 7, the combination as discussed above teach all the limitations as recited in claims 2 and 6, however the combination is silent on the liquid crystal display device of said call termination notification means is rendered operative when said portable telephone set is used in a mode wherein no sound is generated from said foldable telephone set.

Kim teaches that an LCD display displays different call termination displays (Col.2;65-67). To one of ordinary skill in the art, it is obvious that if a phone is in a mode where no sound is generated from the portable telephone set, another means of alerting the user must be used, i.e. vibration, or various displays via LCD display.

Regarding Claims 4 and 8, Nealon teaches a memory (Col.6;9-12) and said key input discrimination means using the key allocation information to discriminate whether the input of any one of said keys is valid or invalid (See rejection of Claim 1), however Nealon **does not expressly teach** the memory storing key allocation

information representative of whether each of said keys is valid or invalid when a selected menu is to be processed.

Nealon teaches in Fig.3;310-311, if keys 1-3 is pressed then a happy tone will sound at the handset, to a skilled artisan, it is obvious that the memory stores information representative of whether each of said keys is valid or invalid when a selected menu is to be processed.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Wesley L. Kim whose telephone number is 571-272-7867. The examiner can normally be reached on Monday-Friday 9:00am-5:30pm.


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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, George Eng can be reached on 571-272-7495. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

WLK

W. L. Kim


GEORGE ENG
SUPERVISORY PATENT EXAMINER